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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ZOYA KOVALENKO,

Plaintiff,

v.

KIRKLAND & ELLIS LLP, MICHAEL DE  
VRIES, MICHAEL W. DE VRIES, P.C.,  
ADAM ALPER, ADAM R. ALPER, P.C.,  
AKSHAY DEORAS, AKSHAY S. DEORAS,  
P.C., AND MARK FAHEY,

Defendants.

Case No. 4:22-CV-05990-HSG (TSH)

**DECLARATION OF JOSEPH C.  
LIBURT IN SUPPORT OF JOINT  
ADMINISTRATIVE MOTION TO  
SEAL NON-PUBLIC AUDIO  
RECORDING AND TRANSCRIPT**

DECLARATION OF JOSEPH C. LIBURT  
ISO JOINT ADMINISTRATIVE MOTION TO  
SEAL NON-PUBLIC AUDIO RECORDING  
AND TRANSCRIPT [4:22-CV-05990-HSG  
(TSH)]

1 I, Joseph C. Liburt, hereby declare:

2 1. I am a partner at the law firm of Orrick, Herrington & Sutcliffe, LLP. I represent  
3 Defendants Kirkland & Ellis LLP, Michael De Vries, Michael W. De Vries, P.C., Adam Alper,  
4 Adam R. Alper, P.C., Akshay Deoras, Akshay S. Deoras, P.C., and Mark Fahey (collectively,  
5 “Defendants”) in this matter. I submit this declaration in support of the parties’ joint administrative  
6 motion to seal the non-public portion of the audio recording and any transcript made of the non-  
7 public portion of the April 18, 2025 discovery hearing before Magistrate Judge Thomas S. Hixson  
8 (the “Discovery Hearing”). I have personal knowledge of the matters contained in this declaration.  
9 If called to testify to the matters set forth in this declaration, I would do so competently.

10 2. Good cause exists to seal the non-public audio recording and any transcript of the  
11 non-public portion of the Discovery Hearing because discussions involving the subpoena directly  
12 concern confidential discussions between Plaintiff and Defendants that occurred following the  
13 parties’ November 2024 mediation. Based on my professional experience, and as further explained  
14 to the Court in the non-public portion of the Discovery Hearing, disclosure of these discussions  
15 would prejudice both Defendants’ and Plaintiff Zoya Kovalenko’s interests in this action.

16 3. Less restrictive alternatives to sealing are not available because the Court properly  
17 allowed a non-public discussion in which the parties addressed confidential matters. There is also  
18 a public portion of the Discovery Hearing; therefore no less restrictive alternatives exist.

19 I declare under penalty of perjury under the laws of the United States of America that the  
20 foregoing is true and correct. Executed on April 22, 2025.

21  
22 /s/ Joseph C. Liburt  
Joseph C. Liburt